

Attorney Docket No.: **DEX-0532**
Inventors: **Macina et al.**
Serial No.: **10/523,834**
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REMARKS

Claims 19-22, 25-30, 33 and 34 are pending in the instant application. Claims 19-22, 25-30, 33 and 34 have been rejected. Claims 19 and 27 have been amended. Support for the amendments is provided in claims 20 and 28, now canceled. No new matter is added by this amendment. Reconsideration is respectfully requested in light of the amendments and the following remarks.

I. Priority

The Examiner suggests that U.S. Provisional Patent Application Serial No. 60/401,469 fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for all pending claims of this application. The Examiner suggests that U.S. Provisional Patent Application Serial No. 60/401,469 does not disclose antibodies, or antigen binding portions thereof, that are to bind and/or compete for binding to antigenic regions of instant SEQ ID NO:265 wherein said antigenic regions comprise the antigenic regions recited in independent claims 19 and 27.

Applicants respectfully disagree as teachings beginning at page 134 of U.S. Provisional Patent Application Serial No. 60/401,469 clearly set forth the methodologies to identify all antigenic regions of a given sequence, thus

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providing enablement for the instant claimed invention.

Reconsideration is therefore respectfully requested.

**II. Rejection of Claims 19, 20, 25, 27, 28 and 33 under 35
U.S.C. 102(b)**

The rejection of claims 19, 20, 25, 27, 28 and 33 under 35 U.S.C. 102(b) as being anticipated by Ashkar (WO 00/63247) has been maintained. The Examiner suggests that due to the comprising language in the claims, antibodies that bind to any region of SEQ ID NO:265 would compete for binding to epitopes bound by antibodies that bind antigenic regions of SEQ ID NO:265 wherein said antigenic regions comprise the amino acid residues recited in the claims. The Examiner suggests that Ashkar teaches monoclonal and polyclonal antibodies against a fragment of osteopontin that is 100% identical to amino acids 214-219 of SEQ ID NO:265. The Examiner suggests that because the antibodies taught by Ashkar would bind SEQ ID NO:265, the antibodies taught by Ashkar would specifically bind antigenic regions *comprising* amino acids 59-65, 71-83, 90-97, 130-141, 169-177, 186-193, 195-202, 211-219 and 226-240 of SEQ ID NO:265. Further, the Examiner suggests that the antibodies of Ashkar would specifically compete for binding to epitopes bound by antibodies which bind antigenic regions *comprising* amino

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acids 59-65, 71-83, 90-97, 130-141, 169-177, 186-193, 195-202, 211-219 and 226-240 of SEQ ID NO:265.

Applicants respectfully traverse this rejection.

Applicants have amended the claims to recite that the antigenic region to which the antibody specifically binds is selected from the group consisting of:

- (a) amino acid residues 59-65 of SEQ ID NO: 265;
- (b) amino acid residues 71-83 of SEQ ID NO: 265;
- (c) amino acid residues 90-97 of SEQ ID NO: 265;
- (d) amino acid residues 130-141 of SEQ ID NO: 265;
- (e) amino acid residues 169-177 of SEQ ID NO: 265;
- (f) amino acid residues 186-193 of SEQ ID NO: 265;
- (g) amino acid residues 195-202 of SEQ ID NO: 265; and
- (h) an antigenic region comprising amino acid residues 226-240 of SEQ ID NO: 265.

Ashkar does not teach antibodies which specifically bind these antigenic regions.

Withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 19, 25-27, 33 and 34 under 35

U.S.C. 102(e)

The rejection of claims 19, 25-27, 33 and 34 under 35 U.S.C. 102(e) as being anticipated by Muller et al. (US 2003/0118585 A1) has been maintained. The Examiner suggests that Muller teaches polyclonal antibodies created by

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immunizing with the complete sequence of osteopontin as SEQ ID NO:23. The Examiner suggests that due to the homology between SEQ ID NO:23 and SEQ ID NO:265, the polyclonal antibodies taught by Muller et al. would bind instant SEQ ID NO:265. Further, the Examiner suggests that the polyclonal antibodies taught by Muller et al. would bind antibodies antigenic regions of SEQ ID NO:265 comprising amino acid residues 59-65, 71-83, 90-97, 130-141, 169-177, 186-193, 195-202, 211-219 and 226-240 of SEQ ID NO:265.

Applicants respectfully traverse this rejection.

It is respectfully pointed out that the claims have been amended to recite isolated monoclonal antibodies. Support for this amendment is provided in claims 20 and 28, now canceled.

Muller et al. does not teach monoclonal antibodies and therefore cannot anticipate the instant claimed invention.

Withdrawal of this rejection is respectfully requested

IV. Rejection of Claims 19-22, 25-30 and 33-34 under 35

U.S.C. 103(a)

The rejection of claims 19-22, 25-30 and 33-34 under 35 U.S.C. 103(a) as being unpatentable over Ashkar (WO 00/63247) as applied to claims 19, 20, 25, 27, 28 and 33 and further in view of Muller et al., (US 2003/0118585) or Queen et al. (U.S. Patent 5,693,762) has been maintained.

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Applicants respectfully traverse this rejection.

Applicants have amended the claims to recite that an isolated monoclonal antibody wherein the antigenic region to which the antibody specifically binds is selected from the group consisting of:

- (a) amino acid residues 59-65 of SEQ ID NO: 265;
- (b) amino acid residues 71-83 of SEQ ID NO: 265;
- (c) amino acid residues 90-97 of SEQ ID NO: 265;
- (d) amino acid residues 130-141 of SEQ ID NO: 265;
- (e) amino acid residues 169-177 of SEQ ID NO: 265;
- (f) amino acid residues 186-193 of SEQ ID NO: 265;
- (g) amino acid residues 195-202 of SEQ ID NO: 265; and
- (h) an antigenic region comprising amino acid residues 226-240 of SEQ ID NO: 265.

Ashkar does not teach antibodies which specifically bind these antigenic regions.

Nor do the secondary references of Muller et al., (US 2003/0118585) or Queen et al. (U.S. Patent 5,693,762).

Accordingly, the cited combination of references does not teach or suggest all the claim limitations and therefore does not render obvious the instant claimed invention.

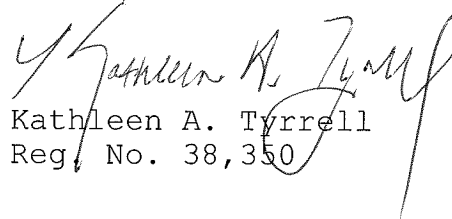
V. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

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Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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Date: August 1, 2008

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